

TRIPURA GAZETTE

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**PART--I-- Orders and Notifications by the Government of Tripura,
The High Court, Government Treasury etc.**

**GOVERNMENT OF TRIPURA
DEPARTMENT OF INDUSTRIES & COMMERCE
SHILPA UDYOG BHAWAN, KHEJURBAGAN.**

F.No. DI/TIDA/4(35)/2020/20,466

Dated, Agartala, the 3rd December, 2020.

NOTIFICATION

WHEREAS, Section 28 of the Tripura Industries (Facilitation) Act, 2018 (Act No.5 of 2019), empowers the State Government to make Rules to give effect to the provision of the Act and for matters connected therewith or incidental thereto;

AND WHEREAS, according to Section 28(a) of the Tripura Industries (Facilitation) Act, 2018 (Act No.5 of 2019), draft rules under the Act were published in the Tripura Gazette on 09th October, 2020, inviting objections and suggestions from all persons likely to be affected thereby within a period of 30 days from the date of publication of the notification;

AND WHEREAS, the objections and suggestions received within the specified time have been duly considered and the draft rules have accordingly been finalized;

NOW THEREFORE, having regard to that and considering all aspects, the State Government publishes the following Rules namely "The Tripura Industries (Facilitation) (Amendment) Rules, 2020".

The Tripura Industries (Facilitation) (Amendment) Rules, 2020

1. Short title, extent and commencement:

- (1) These may be called "The Tripura Industries (Facilitation) (Amendment) Rules, 2020" and also to be known as Single Window Approval by All Government Agencies in Tripura (SWAAGAT) (Amendment) Rules, 2020
- (2) They shall extend to the whole of the State of Tripura.
- (3) They shall come into force on and from the date of their final publication in the Tripura Gazette.

2. Amendment of Rule 7 :

- (1) In sub-rule (1) of rule 7 of the principal Rules, the words 'SWAAGAT Approval Certificate' shall be substituted with the words "desired approvals"
 - (2) In sub-rule (3) of rule 7 of the principal Rules, the expression '(either manually or online)' shall be substituted with the words "(online)"
 - (3) The sub-rule (6) of rule 7 of the principal Rules is substituted as follows :--"(6) The Combined Application Form filled and submitted by the applicant should be scrutinized and accepted for issue of relevant clearances by the concerned Department/organization."
 - (4) The sub-rule (7) of rule 7 of the principal Rules is substituted as follows:--"(7) The authorized representative of the nodal agency/concerned Department shall satisfy himself /herself that:
 - (i) The application is in complete shape;
 - (ii) All relevant and prescribed documents have been attached online
 - (iii) The prescribed fees receipts have been paid online;
 - (iv) Filled up Self-Certification format has been submitted online;"
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- (5) The sub-rule (8) of rule 7 of the Principal Rules is substituted as follows:- “(8) The following procedure shall be followed for Processing and Monitoring of the Combined Application Form :
- (i) The particular of the application for which the acknowledgement is issued will be maintained online.
 - (ii) The submitted Combined application form along with enclosures will be made available in online mode to the corresponding departments/organization related to which license/clearance/NOCs/no-objections etc has been sought by the applicant.
 - (iii) The competent authority of corresponding departments/organization shall process the application and communicate the decision (approval/rejection/additional information/query) in online mode within the prescribed time limit as mentioned in the Schedule-I
 - (iv) The competent authority may ask for additional information from the applicant, only once within seven days from receipt of the application and before the expiry of the time limit.
 - (v) The new time limit will be applicable from the date the additional information has been furnished.
 - (vi) The competent authorities will provide their approvals within the time limit in online mode.
 - (vii) The State Nodal Agency shall ensure that there are no delays at any level. Cases involving delays shall be placed before High Level Single Window Clearance Committee once in six months.”

3. Amendment of Rule 8 : Rule 8 of the principal rules shall be substituted as follows –

“8. Time limit for issue of clearances:

In accordance of Section 18 of the said Act the State Government hereby specifies the maximum time limit of thirty days for issuance of license/clearance/NOCs/no-objections etc. (Establishment and Operation) from the date of issue of acknowledgement (online). In order to facilitate the investors by providing investor friendly environment, mandate time-bound delivery of all services as per communication received from Department for Promotion of Industries & Internal Trade (DPIIT) on implementation of State Reform Action Plan- 2020 wherein new services are recommended for inclusion with timelines. The revised list of services with timelines are specified under Schedule-I.”

4. Amendment of Rule 9 : The Rule 9 of the principal rules shall be substituted as follows –

“9. User Charges/Fees:

In exercise of the powers conferred by Section 17 (3) of the said Act, the applicants shall pay user charges as processing fees in such manner and at such rate as specified in Schedule-II of the amended Rule in addition to the existing fees/charges prescribed for issuance of license/clearance/NOCs/no-objections etc. by each Department/Organization. These charges are subject to revision by the Government from time to time. The user charges/fees etc. would be collected through the online SWAAGAT system integrated with e-GRAS system of Finance Department, Government of Tripura and will get deposited into respective State Governments Account/Organizations accounts through SBI e-pay. The fees/charges collected for issuance of license/clearance/NOCs/no-objections etc. of respective Department/Organization will be transferred online to corresponding Department/Organization. The user charges collected as processing fees will be transferred online to TIDC Ltd. and will be used for meeting all such expenses which are required to implement the Act

including, inter-alia, recurring expenditure like purchase of consumables, travel cost, conducting pre-scrutiny meetings, District and State level meetings, maintaining the online SWAAGAT system and other incidental expenses.”

5. Amendment of Rule 11 :

In rule 11 of the Principal Rules, the following provision shall be inserted “provided that, the following approvals are exempted for issuance of Deemed Approval:

Sl	Approval	Department/Organization
1.	Temporary Electricity Connection for Industrial Unit	TSECL
2.	Permanent Electricity Connection for Industrial Unit	TSECL
3.	Water Connection for Industrial Unit	PWD(DWS)/TIDC Ltd
4.	Incentives under State Industrial/Sectoral Policy	Industries & Commerce ”

6. Amendment of Rule 13 :

The sub-rule (2) of rule 13 of the Principal Rules is substituted with the provisions :- “(2) Every appeal shall be made in Schedule-III and shall be accompanied by a fee of Rupees five hundred payable to the revenue head of the Government. The application for appeal shall be presented either in person or by an agent duly authorized.”

7. Amendment of Rule 14 :

The Sub-rule (i) of rule 14 of the Principal Rules will be substituted with the following:-“(i) There will be a Central Inspection System for conduct of compliance inspections by two or more authorities jointly from the office of the Labour Commissioner, Chief Inspector of Factories and Boilers, Tripura State Pollution Control Board, Municipal Authorities, Controller of Legal Metrology and such other authorities as the State Government by notification specify once in a year hereinafter referred to as participating departments.”

(ii) The Sub-rule (vi) of rule 14 of the Principal Rules is substituted as follows: “(vi) The Department of Industries & Commerce, Labour Directorate, Factories & Boiler Organization, Tripura State Pollution Control Board (TSPCB), Municipal authorities, Controller of Legal metrology and such other authorities as the State Government by notification specify shall take further necessary action accordingly.”

(iii) After Sub-rule (viii) of rule 14 of the Principal Rules the following new sub-rules shall be inserted :

“(ix) The inspections conducted (except in case of complaint-based inspections) shall be limited to the checklist;

(x) The inspection report shall be submitted online within 48 hours to Centralized Inspection system.”

8. Insertion of new Rule- 15 & 16 :-

In the principal rules, after Rule 14 the following new rules shall be inserted

“15. Single Window Clearance System

An online portal in the name of “Single Window Approval by All Government Agencies in Tripura (SWAAGAT)” functioning as part of the Single Window Clearance System will have the following provisions and mandate:

- (a) All applications for setting-up of industrial or service sector undertakings in the State of Tripura including incentive application which are provisioned in the Single Window Clearance System would be submitted in the online portal with no requirement for submissions of a hard copy and necessary action will be taken up by respective Departments/Organizations for grant or time bound issue of no objection certificates, allotments, consents, approvals, permissions, registrations, enrolments, licenses, renewals, incentives or the likes online in the portal.
- (b) All queries regarding the application from the investor will be recorded and addressed within a timeline of 15 days from the date of queries.
- (c) Queries/clarifications related to application are sought in one go by respective Departments/Organizations and within 7 days of receipt of the application
- (d) Inclusion of additional new regulation or license in the online wizard/system within 30 day.
- (e) The list of services to be made available under the portal with timelines are specified under **Schedule-I**

Provisions and mandate of Single Window Clearance System – (1) The Single Window Clearance System shall have the following provisions with the following mandate —

- (a) the provision of online wizard/system with addition of new regulation or license in the online wizard/system within 30 days and implementation thereof;
- (b) the provision of online submission of application through Combined Application Form (CAF) generated online by attaching the relevant enclosures, certificates, attachments etc and implementation thereof;
- (c) the provision of online payment merging all fees, applicable under various Acts, rules, policies and schemes, for which an application is submitted in Combined Application Form (CAF), into a single transaction and implementation thereof;
- (d) the provision of electronic transfer of the fees and application by attaching the relevant enclosures, certificates, attachments etc. to respective Government agencies for processing and implementation thereof;
- (e) the provision of online approval, tracking of real time status of application and delivery of services (downloading the issued certificate online) and implementation thereof;
- (f) the provision of sending out alert through short message service (SMS) or e-mail notification to the applicant including respective users of Department/Organization or authority concerned as and when the application is submitted and/or query is raised and/or application is approved/rejected including any inspection scheduled and implementation thereof;
- (g) the provision of sending automated short message service (SMS) or e-mail notification to the respective users of Department/Organization or authority concerned with status information on the applications in which clearances are likely to breach the stipulated time and implementation thereof;
- (h) the provision of third party verification and implementation thereof;

- (i) the provision of auto renewal of license/registration wherever specified for services under Schedule –I and implementation thereof;
 - (j) the provision of a Central Inspection System (CIS) for conduct of compliance inspections, allocation of inspectors is done centrally, the same inspector is not assigned to the same business establishment in subsequent years, inspection report uploading, scheduling of inspections, selection of establishments for inspection using computerized risk assessment, allocation of inspectors and differentiate compliance inspection requirements based on risk profile, prior inspection notice is provided to the business establishment and implementation thereof;
 - (k) the provision of allowing the users to view and download submitted inspection reports of at least past three years and implementation thereof;
 - (l) the provision of display of proposed regulation or license on Legal Basis, its necessity, business-friendliness and implementation thereof;
 - (m) the provision to publish draft business regulation online and invite public comments/feedback on the same prior to enactment with period of display to be at least 30 days and implementation thereof.
 - (n) the provision to publish the comments/feedback received on the draft business regulation and how they were addressed in the final regulation and implementation thereof.
- (2) The Single Window Clearance System may, for purpose of the effective functioning of the system, include any other provision not mentioned in sub-section (1), subject to approval of the State Government.

16. Right to Clearances and Grievance Redressal Mechanism:

In exercise of the powers conferred by Section 23A (1) of the Tripura Industries (Facilitation) (Amendment) Act, 2020 (Act No. 10 of 2020), the Government hereby specifies the following mechanism:


The applicant has the right to seek queries, ask for approval or seek explanation for the delay in approvals being sought through the Single Window Clearance System if they are not issued within time limit as prescribed in the rules and where clearances are not pending with agencies other than state government. It will be incumbent upon the respective departments/organizations officer concerned to answer to queries, delays and HoD of the concerned Department shall be accountable for timely processing.

Implementation:

- (1) Queries, if any sought by the applicant through online to be addressed within a timeline of 7 days from the date of raising the queries by the concerned department/organization in online mode.
- (2) Delay, if any, can be pointed out by the industry applicant or has to be initiated suo-moto by the concerned Head of Department (HOD) whenever there is a delay within his /her department from the time limit as prescribed.
- (3) Any aggrieved applicant shall submit a grievance through online. Any delay in granting licence / approval /clearance as per timelines can also be Suo-moto taken up by the Nodal agency as a grievance.
- (4) On receipt of the grievance from the nodal agency / applicant (including online), the same shall be forwarded to the concerned HoD (including online) and the HoD shall scrutinize the details and take views of the Officer/official who is accountable and take into consideration the reasons whether the delay has been caused willingly fully. The action taken is to be communicated to the aggrieved applicant duly marking a copy to the Nodal Agency (including online) within 7 working days. In case of non-redressal of any grievance beyond 7 working days, fine will be levied against Concerned Officer/official by HOD duly informing the nodal agency.

- (5) The penalty so levied will be Rs.1000/- (Rupees one thousand only) for each day of such delay till approval is accorded or reason for rejection or delay in according approval is furnished. However, the total amount of such penalty shall not exceed Rs.25,000/- (Rupees Twenty Five Thousand only) in any particular matter.
- (6) The amount of money, so collected as penalty, shall be credited to the consolidated fund of the state by the HOD."

(BY ORDER OF THE GOVERNOR OF TRIPURA)


(Dr. P.K. Goyal)
Special Secretary,
Industries & Commerce

Schedule- I
(See amendment rule section 3)

TIMEFRAME

(CFE – Consent for Establishment) (CFO – Consent for Operation)

Sl	Service	Department	Stage	Timeline (Working days)
1.	Incentives under State Industrial/Sectoral Policy	Industries & Commerce	Post CFO	Eligibility certificate – 15 days Approval (Upto SLC/DLC) – 30 days Disbursement – 30 days from issuance of fund sanction letter
2.	Registration of Partnership Firms	Industries & Commerce	Special	7 days
3.	Allotment of land in Industrial Area	TIDC Ltd.	Special, All Time	14 days
4.	Water Connection for Industrial Unit within Industrial Areas	TIDC Ltd.	Special, All Time	10 days
5.	Change in Land use/conversion of land	Land Records & Settlement, Revenue Department	Any Time	30 days
6.	Consent to Establish under the Air & Water (Prevention and Control of Pollution) Act, 1974	Pollution Control Board	CFE	21 days
7.	Consent to Operate/Renewal under the Air & Water Act (Prevention and Control of Pollution) Act, 1981	Pollution Control Board	CFO & Renewal	Green Category – 10 days Orange Category – 15 days Red Category – 21 days Renewal – 7 days
8.	Authorization/ Renewal under the Hazardous and Other Wastes (Management and Transboundary Movement) Rules, 2016	Pollution Control Board	Authorization & Renewal	Authorization- 21 days Renewal – 21 days
9.	Registration/ Renewal under The E-waste (Management and Handling) Rules, 2011 (under Chapter III) (effective from May 2012)	Pollution Control Board	CFE/CFO & Renewal	Registration - 21 days Renewal – 21 days.
10.	Registration and renewal under Plastic Waste (Management and Handling) Rules, 2011	Pollution Control Board	CFE/CFO & Renewal	Registration - 21 days Renewal- 21 days
11.	Registration and Renewal of license under The Factories Act, 1948	Factories & Boilers Organization	CFO & Renewal	Registration - 30 days Renewal- Auto on payment of fees
12.	Approval of plan and permission to construct/extend/or take into use any building as a factory under the Factories Act, 1948	Factories & Boilers Organization	CFE	21 days
13.	Registration and Renewal of Boilers under The Boilers Act, 1923	Factories & Boilers Organization	All Time & Renewal	Registration - 30 days Renewal- 7 days

14.	Registration and Renewal of Boilers Manufactures under The Boilers Act, 1923	Factories & Boilers Organization	All Time & Renewal	Registration - 30 days Renewal- 30 days
15.	Clearance Certificate of factories under The Factories Act, 1948	Factories & Boilers Organization	CFE	21 days
16.	IBR Erector IBR Certificate endorsement under The Boilers Act, 1923	Factories & Boilers Organization	All Time	15 days
17.	IBR Welder Certificate endorsement under The Boilers Act, 1923	Factories & Boilers Organization	All Time	7 days
18.	Steam Pipelines Erection Permission under The Boilers Act, 1923	Factories & Boilers Organization	All Time	7 days
19.	License for contractors under provision of The Contracts Labour (Regulation and Abolition) Act, 1970	Labour Department	CFE	License- 30 days Renewal- Auto on payment of fees
20.	Registration under The Shops and Establishment Act (including 365 days license)	Labour Department	Special & Renewal	Registration - 30 days Renewal- Auto on payment of fees
21.	Registration/Renewal of principal employer's establishment under provision of The Contracts Labour (Regulation and Abolition) Act, 1970	Labour Department	CFE & Renewal	Registration - 30 days Renewal – Not required (issued for one time)
22.	Registration/Renewal under The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996	Labour Department	CFE & Renewal	Registration - 30 days Renewal – Not required (issued for one time)
23.	Registration/Renewal of establishment under the Inter State Migrant Workmen (RE&CS) Act, 1979	Labour Department	CFE/CFO & Renewal	Registration - 30 days Renewal – Not required (issued for one time)
24.	Registration and Renewal under Motor Transport Workers Act	Labour Department	Special & Renewal	Registration - 30 days Renewal- 30 days
25.	Licence & Renewal under Beedi & Cigar	Labour Department	CFE & Renewal	Registration - 30 days Renewal- 30 days
26.	Registration under Plantation Labour Act	Labour Department	CFE & Renewal	Registration - 30 days Renewal – 30 days
27.	Temporary Electricity Connection for Industrial Unit	Tripura State Electricity Corporation Limited	CFE/CFO	Feasibility : • 7 days where RoW not required • 15 days where RoW required Connection – 7 days

28.	Permanent Electricity Connection for Industrial Unit	Tripura State Electricity Corporation Limited	CFE/CFO	Feasibility : • 7 days where RoW not required • 15 days where RoW required Connection – 7 days
29.	Water Connection for Industrial Unit outside Industrial Areas	PWD (DWS)	CFE/ Any time	Feasibility : 14 days Connection – 14 days
30.	Enrollment under Profession Tax	Taxes Department	Any Time	30 days
31.	Registration under Profession Tax	Taxes Department	Any Time	30 days
32.	License/Renewal under State Excise for Liquor manufacturing unit	Excise Department	CFE/CFO & Renewal	Excise Lol – 25 days Approval – 25 days Issue – 5 days Renewal – 30 days
33.	State Excise - Label Registration & Renewal	Excise Department	Special & Renewal	Registration - 21 days Renewal - 21 days
34.	State Excise - Brand Registration & Renewal	Excise Department	Special & Renewal	Registration - 21 days Renewal - 21 days
35.	Import and export permit of Spirit and Indian-made foreign liquor (IMFL)	Excise Department	Special	10 days
36.	Trade License	Urban Development	Special	Registration - 7 days Renewal- Auto on payment of fees
37.	Construction Permit Approval	Urban Development	CFE	28 days
38.	Signage License for advertisement (registration and Renewal)	Urban Development	Special	7 days
39.	Retail Drug License (Pharmacy)	Drug Controller	CFO & Renewal	License - 30 days Renewal – Auto on payment of license retention fee
40.	Wholesale Drug License	Drug Controller	CFO & Renewal	License - 30 days Renewal - Auto on payment of license retention fee
41.	Drug Manufacturing License (registration and renewal)	Drug Controller	CFO & Renewal	License - 30 days Renewal - Auto on payment of license retention fee
42.	Medical Device Manufacturing License (registration and renewal)	Drug Controller	CFO & Renewal	License - 30 days Renewal – 30 days

43.	Registration/license under the Legal Metrology Act, 2009	Legal Metrology	CFO (within 90 days from the date of commencement of operation for registration of packer) & Renewal	Registration/license - 21 days Registration renewal - Not required License Renewal - Auto on payment of prescribed fee.
44.	Fire License (Registration and Renewal)	Fire Service	CFE, CFO & Renewal	Provisional during CFE - 14 days Occupancy during CFO- 21 days Renewal - 14 days
45.	Approval of drawing plan and Electrical Clearance of equipment's for charging	Electrical Inspectorate	CFE/CFO	CFE- 10 days CFO- 18 days
46.	Approval for DG set installation	Electrical Inspectorate	Special	18 days
47.	Mobile Tower Approval	District Administration	Special	28 days
48.	State Cinema Regulations Rules (registration and Renewal)	District Administration	Special	30 days
49.	Movie Shooting permission for State Protected Monument (registration and Renewal)	District Administration	Special	30 days
50.	Movie Shooting permission from District Collector	District Administration	Special	30 days
51.	Movie Shooting permission (Police and Traffic)	Home Department	Special	30 days
52.	Registration of Societies	Co-operation Department	Pre CFE	30 days
53.	License for wood based industry	Forest Department	CFE	30 days
54.	Application for Non-exempted Tree Felling	Forest Department	Any Time	30 days
55.	Central Inspection Framework	Labour, Factories & Boilers, Pollution Control Board, Legal Metrology	Post CFE	As per requirement

Schedule-II
(See amendment Rule section 4)

USER CHARGES			
S.No.	Project Cost (Land + Building + Plant & M/c.)	Processing Fees(Rs.)	
		Establishment	Operation
1	Nil to Rs.25 Lakhs	500	500
2	Above Rs.25 Lakhs and upto Rs.1.00 Crore	2000	2000
3	Above Rs.1.00 Crore and upto Rs.5.00 Crore	5000	5000
4	Above Rs.5.00 Crore and upto Rs.10.00 Crore	7500	7500
5	Above Rs.10.00 Crore and upto Rs.25.00 Crore	10000	10000
6	Above Rs.25.00 Crore and upto Rs.50.00 Crore	15000	15000
7	Above Rs.50.00 Crore and upto Rs.100.00 Crore	20000	20000
8	Rs.100.00 Crore and above	25000	25000
<p>Note :</p> <ol style="list-style-type: none"> 1. Establishment means clearances sought by the applicant as required for establishment of an industrial unit as per Schedule-I of principal Rule. 2. Operation means clearances sought by the applicant as required for making operational an industrial unit as per Schedule-II of principal Rule. 			

Schedule-III
(See amendment Rule 6)

To

Form of Appeal

1)	Name & Address of the Unit	
2)	Location of the Unit	
3)	Line of Activity	
4)	Project Cost (in lakhs)	
5)	Employment	
6)	Application No./ID	
7)	Particulars of Clearance rejected by the Competent Authority	
8)	Reasons for rejection/Modification suggested, if any by Competent Authority	
9)	Details of Fees paid for appeal	
10)	Brief Details of appeal	

Place:

Date:

Signature

Name of the applicant:

ContactNo.